

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

D0932-00383

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on **June 21, 2006**

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Application Number

10/726,986

Filed

12/03/2003

First Named Inventor

David I. Suda

Art Unit

3749

Examiner

Stephen M. Gravini

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

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applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

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Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of **1** forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REASONS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

A. APPLICANTS DID NOT PRESENT NARROWING ARGUMENTS IN THE RESPONSE AFTER FINAL

Claims 1, 3, 4, 7, 8, 10-16 and 20-35 are pending as set forth in the April 19, 2006 Response to the February 24, 2006 Final Official Action (hereinafter, "April 2006 Response"). The May 17, 2006 Advisory Action states that Applicants made impermissible arguments after prosecution on the merits had been closed that "attempt to give the claims a narrower meaning." The Advisory Action, however, does not identify the narrowing arguments that were allegedly presented by Applicants.

Taking claim 1 as an example, Applicants believe the Examiner may consider the argument that the conveyor is "located within the curing oven tower" as the alleged offering of a narrow meaning to the claims. (See **April 2006 Response, at 6**) However, Applicants argued that the plain meaning of Claim 1 locates the conveyor within the curing oven tower. Indeed, Claim 1 recites that the oven tower "compris[es] a plurality of vertical oven zones." The conveyor system comprises "a plurality of pairs of counter-rotating conveyors disposed to move said mat through said plurality of vertical oven zones for curing." (emphasis added) It follows, therefore, that the conveyor is located within the curing oven tower of Claim 1.

Further, these arguments are consistent with those previously presented by Applicants before prosecution on the merits closed, such as in Applicants' January 17, 2006 Response. *See* **January 17, 2006 Response, at 8-9** (distinguishing conveyor of Haddox from Applicants' claimed conveyor because "within oven 40 [of Haddox], conveyor 27 only moves the mat 37 in a horizontal direction between upper and lower oven sections 38-39.")

B. HADDOX ONLY CONVEYS ITS MAT IN A HORIZONTAL DIRECTION THROUGH A HORIZONTAL OVEN ZONE

The Action rejects Claims 1, 3-4, 16, 21 and 32-34 as being anticipated by U.S. Patent No. 2,830,648 to Haddox. Of these Claims, Claims 1 and 16 are independent.

The Examiner argues that elements 39 and 31 of Haddox are the “plurality of vertical oven zones” recited in Claim 1. The only oven disclosed in Haddox is a conventional horizontal oven 40. Element 31 of the Haddox system identified by the Examiner is a vacuum chamber, not an oven, that holds fibers on a belt. These arguments are presented in the **April 2006 Response, at 6-7.**

Further, all of the conveyor components identified by the Examiner are *outside of the oven 40* and thus do not “move said mat through said plurality of vertical oven zones for curing.” As clearly shown in FIG. 1 of Haddox, the oven 40 of Haddox includes a single horizontal oven zone defined between sections 38 and 39 through which the mat is conveyed. These arguments are presented in the **April 2006 Response, at 6-7.**

Claims 3-4 (“said conveyors cooperating to move said insulation mat both horizontally and vertically through said curing oven tower in a serpentine path”) and Claim 16 (“cooperable pairs of counter-rotating conveyors arranged for moving said insulation mat both vertically and horizontally through said curing oven tower in a serpentine path”) recite additional features that further distinguish these claims from the horizontal oven zone/conveyor system of Haddox. Because mat 37 is conveyed only horizontally through oven 40, it is not conveyed in the claimed *serpentine path*. **See April 2006 Response, at 7-8.**

**C. BRELSFORD ONLY CONVEYS ITS INSULATION MAT
HORIZONTALLY THROUGH A HORIZONTAL OVEN ZONE**

The Action rejects Claims 8, 10-15, 22-29 and 34 as being anticipated by U.S. Patent No. 2,467,291 to Brelsford et al. ("Brelsford"). Of these claims, Claims 8 and 22 are independent claims.

In the rejection of Claim 8, the Examiner relies on portions of the conveyor that are outside of the curing oven 74. However, the direction of conveying of the Brelsford mat during its formation prior to curing oven 74 is of no consequence with respect to the claimed method as it does not constitute moving the mat through a curing oven or oven zones as claimed. As is clearly shown in Figures 5-7, with proper focus on the oven of Brelsford, the Brelsford mat is conveyed in only the horizontal direction during curing. The oven zone or zones are arranged horizontally between burners 98. The oven of Brelsford, therefore, does not include a plurality of vertical oven zones through which a mat is conveyed as recited in the method of Claim 8. Arguments in support of this position can be found in the **April 2006 Response, at 9-10**.

Claim 10 requires that the insulation mat is moved both horizontally and vertically through the curing oven in a serpentine path. Claims 11-13 recite that the path vertically overlaps itself. Independent claim 22 is also directed to a method of curing insulation and comprises the step of moving the uncured or partially cured mat both horizontally and vertically in a serpentine path through a curing oven tower comprising a heat source. These claims, therefore, recite additional features that further distinguish the claims from the horizontal oven zone/conveyor system of Brelsford. *See April 2006 Response, at 10-11.*

D. THE HADDOX/PATEL COMBINATION DOES NOT TEACH A “NIP ZONE”

The Action also rejects Claim 30 as being obvious from Haddox in view of Patel. Claim 30, which depends from Claim 3, recites, with emphasis, “wherein a *portion of said rotating conveyors cooperating to move said insulation mat vertically forms nip zone with a portion of said rotating conveyors cooperating to move said insulation horizontally*, said nip zone **including at least one inclined belt for receiving said insulation mat.**” Claim 30, therefore, requires not only that the nip zone is formed by conveyors that are moving the insulation mat horizontally and those that are moving the mat vertically, but also “includes at least one inclined belt for receiving said insulation mat.” Further, the nip zone and conveyors must be within the curing oven (as argued for Claim 3).

The “nip” described by Patel and shown in FIG. 6 is formed between rotating pressing rolls 116A and 116B. These rolls pinch a sheet 64a against the top surface of a mat, which is conveyed in a purely horizontal direction by single horizontal conveyor 112 (which, incidentally, forms no part of the nip of Patel). Simply, Patel does not disclose, and the combination of Haddox and Patel does not provide, a nip zone formed by horizontal and vertical cooperating conveyors nor a nip zone “including at least one inclined belt for receiving said insulation mat.” These arguments were presented in the April 2006 Response, at 11-12.

The Action rejects Claim 31 as being obvious from Breilsford in view of Patel. Claim 31 depends from Claim 22, which is allowable as discussed above. Claim 31 also recites the “nip zone” feature of Claim 30 and is, therefore, independently allowable over the cited combination.

E. Summary

Because the art of record does not teach each feature of Applicants’ claimed methods and systems, it is submitted that independent Claims 1, 8, 16 and 22 are allowable over the art of record. It is also submitted that dependent Claims 3-4, 10-13 and 30-31 are independently allowable over the art of record.